

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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OFFICE OF SECRETARY

In the Matter of)
)
Implementation of the Local)
Competition Provisions in the)
Telecommunications Act of 1996)

CC Docket No. 96-98

DOCKET FILE COPY ORIGINAL

Comments of General Communication, Inc.

General Communication, Inc. (GCI) hereby submits comments in response to the Commission's Notice of Proposed Rulemaking (Notice).¹ The Notice seeks comment on the rules to implement Sections 251, 252 and 253 of the Telecommunications Act of 1996 (1996 Act or Act). GCI herein comment on the following issues: dialing parity, number administration, notice of technical changes and access to rights-of-way.

I. Dialing Parity

Section 251(b)(3) states that all local exchange carriers (LECs) have the "duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays."

To implement dialing parity, the Commission has reached the following tentative conclusions:

¹Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket 96-98, FCC 96-182, released April 19, 1996.

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(1) 251(b)(3) creates a duty to provide dialing parity with respect to all telecommunications services that require dialing to route a call and encompasses international as well as interstate, intrastate, local and toll.

(2) LECs are required to permit telephone exchange service customers within a defined local calling area to dial the same number of digits to make a local telephone call, notwithstanding the identity of customer or called party's local telephone service provider.

(3) Nondiscriminatory access to telephone numbers, operator services² and directory assistance means the same access the LEC receives with respect to such services.

In Alaska consumers can pick two interexchange carriers to provide service: one to provide intrastate³ service and another to provide interstate and international service. This 2-PIC methodology has worked well in Alaska. All LECs should be required to provide such service. As outlined in the Act, LECs are precluded from relying on access codes to implement dialing parity.

II. Access to Rights-of-Way

Pursuant to the Act, all ILECs are required to provide access to the poles, ducts, conduits, rights-of-way of such carrier to competing providers of telecommunications

²In the Notice, the Commission states that all customers must be able to connect to a local operator by dialing 0 or 0 plus. In Alaska, LECs do not provide 0 or 0 plus. Those services are provided by Alascom and GCI, interexchange carriers in Alaska. This arrangement should not be precluded.

³Alaska was not part of the MFJ and therefore does not have LATAs.

services on rates, terms and conditions that are consistent with section 224.

Further, section 224(f) provides that a

(1) A utility shall provide a cable televisions system or any telecommunications carrier with nondiscriminatory access to any pole, duct, conduit, or right-of-way owned or controlled by it.

(2) Notwithstanding paragraph (1), a utility providing electric service may deny a cable television system or any telecommunications carrier access to any poles, ducts, conduits, or rights-of-way, on a nondiscriminatory basis where there is insufficient capacity and for reasons of safety, reliability and generally applicable engineering purposes.

Local service providers require access to the rights of way across public and private property to reach customers. The ILECs typically receive access to these rights-of-way at no charge due to their historical monopoly position. The access for competitive carriers must be the same as the access received by the ILEC. Competitive carriers cannot be charged a different rate under the Act. Further, competitive carriers should not be limited to excess capacity. The standard should be capacity now available or available in the future.

Section 224(h) requires notice by the owner if the pole, duct or conduit requires a modification. The owner

should be required to give at least 6 months notice for modification to the facility. This will ensure that any other provider could request additional modification to the facility concurrently.

III. Notice of Technical Changes

ILECs are required to "provide reasonable public notice of changes in the information necessary for the transmission and routing of services using local exchange carriers's facilities or networks, as well as of any other changes that would affect the interoperability of those facilities and networks."⁴ This requirement is to ensure that the "network of networks" can function properly and in concert with each other. GCI agrees with the following tentative conclusions outlined by the Commission:

(1) Information necessary for transmission and routing should be defined as any information in the LECs possession that affects interconnectors' performance or ability to provide services.

(2) Services should include both telecommunications services and information services as defined in the Act.

(3) Interoperability should be defined as the ability of two or more facilities or networks to be connected, to exchange information and to use the information that has been exchanged.

(4) ILECs should be required to disclose all information relating to network design and technical standards and

⁴Section 251(c)(5).

information concerning changes to the network that affect interconnection

(5) ILECs must at a minimum provide the date the changes are to occur, location at which changes are to occur, types of changes and potential impact of changes.

(6) Notice should be provided through industry forums.

(7) The ILEC should be required to disclose the information within a reasonable time in advance of implementation and make it available within a reasonable time if responding to an individual request.

ILECs should be required to notify all carriers at the earliest possible point in time. GCI agrees that the Computer III timeframes are adequate and should be implemented for all ILECs. Notice is the only means of ensuring that all networks can operate effectively.

IV. Number Administrator

Under Section 251(e), the Commission is required to designate an impartial numbering administrator who shall make numbers available on an equitable basis. The costs are to be borne by all telecommunications carriers on a competitively neutral basis. GCI agrees with the following tentative conclusions outlined by the Commission:

(1) The NANP Order satisfies the requirements of 251(e)(1).

(2) The Commission should retain its authority to set policy with respect to all facets of numbering administration, including area code relief issues. The Commission should delegate implementation such as boundaries to states so long as the rules are consistent with FCC guidelines.

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(3) The costs should be borne on a competitively neutral basis.

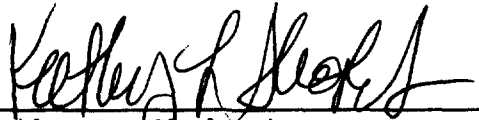
The Commission should act expeditiously to appoint the impartial administrator to ensure that all carriers are treated fairly. As outlined in the NANP Order, the costs of the impartial administrator should be recovered from all providers, based on gross revenues.

V. Conclusion

The Commission should adopt its proposed conclusions and other suggestions as outlined above.

Respectfully submitted,

GENERAL COMMUNICATION, INC.



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May 20, 1996

STATEMENT OF VERIFICATION

I have read the foregoing, and to the best of my knowledge, information and belief there is good ground to support it, and that it is not interposed for delay. I verify under penalty of perjury that the foregoing is true and correct. Executed this 20th day of May, 1996.

A handwritten signature in cursive script, reading "Kathy L. Shobert", written over a horizontal line.

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CERTIFICATE OF SERVICE

I, Kathy L. Shobert, do hereby certify that on this 20th day of May, 1996 a copy of the foregoing was sent by first class mail, postage prepaid, to the parties listed below.

A handwritten signature in cursive script, reading "Kathy L. Shobert", written over a horizontal line.

Kathy L. Shobert

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